

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY LYNCH-BEY, #146972,

Plaintiff, CIVIL ACTION NO. 09-14881
v. HONORABLE DAVID M. LAWSON
MAGISTRATE JUDGE MARK A. RANDON

TONY CORSI,

Defendant.

/

ORDER DENYING PLAINTIFF'S MOTION TO APPOINT COUNSEL (DKT. NO. 36)
AND TO APPOINT AN EXPERT (DKT. NO. 37)

Plaintiff, who is proceeding pro se, has filed a motion for appointment of counsel.

“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987)(quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)); see also *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th cir. 1994) (“In exercising its discretion, the district court should consider the legal complexity of the case, the factual complexity of the case, and the [plaintiff’s] ability to investigate and present his claims, along with any other relevant factors.”)

As it relates to the appointment of an expert “a prisoner's right of access to the courts does not entitle him to have the public fund his general litigation expenses, such as witness fees.” *Johnson v. Hubbard*, 698 F.2d 286, 288–89 (6th Cir.1983); *Pedraza v. Jones*, 71 F.3d 194, 196 (5th Cir.1995)).

At this time, the interests of justice do not require appointment of counsel or an expert.

Accordingly, it is ORDERED that Plaintiff's motions are DENIED WITHOUT PREJUDICE.

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: December 6, 2012

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, December 6, 2012, by electronic and/or ordinary mail.

s/Melody Miles

Case Manager